

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

STOUT CONRAD, LLC
Plaintiff

v.

KERR-MCGEE OIL & GAS ONSHORE LP
Defendant

* 2:24-CV-00171-JDC-TPL
*
* JUDGE JAMES D. CAIN, Jr.
*
* MAG. JUDGE THOMAS
* LEBLANC
*
*

**DEFENDANTS KERR-MCGEE OIL &
GAS ONSHORE LP AND ANADARKO US OFFSHORE LLC’S MOTION TO
DISMISS**

NOW INTO COURT, through undersigned counsel and pursuant to Federal Rule of Civil Procedure 12(b)(6), come Defendants, Kerr-McGee Oil & Gas Onshore LP and Anadarko US Offshore LLC (collectively, “KMOGO” or “Defendant”), which move this Court for an order dismissing the following claims asserted by Plaintiff, Stout Conrad, LLC (“Plaintiff”) for failure to state a claim upon which relief can be granted:

- (1) breach of the Section 34 Lease;
- (2) breach of express remediation obligations;
- (3) breach of servitude obligations;
- (4) civil fruits;
- (5) unjust enrichment;
- (6) failure to provide notice under Louisiana Civil Code Art. 2688;
- (7) standalone claims under Louisiana Revised Statute § 30:29 (“Act 312”);
- (8) fraud;

- (9) land loss, subsidence, and the cost of backfilling;
- (10) Section 324A of the Restatement (Second) of Torts;
- (11) strict liability under Louisiana Civ. Code Art. 667;
- (12) Mineral Code Art. 11 strict liability claims;
- (13) continuing tort, continuing nuisance, and continuing trespass; and
- (14) third-party beneficiary claims.

WHEREFORE, for the reasons more fully detailed in the accompanying memorandum in support, KMOGO respectfully requests that this Court issue an Order dismissing the above identified claims asserted by Plaintiff.

Respectfully submitted,

/s/ Meghan E. Smith

CHRISTOFFER FRIEND (#1888)

MEGHAN E. SMITH (#34097)

PHILIP WOOD (#33435)

RACHEL SCARAFIA (#36664)

MARISA DEL TURCO (#40336)

Jones Walker LLP

201 St. Charles Avenue, Suite 5100

New Orleans, Louisiana 70170

Telephone: (504) 582-8000

Facsimile: (504) 589-8322

cfriend@joneswalker.com

msmith@joneswalker.com

pwood@joneswalker.com

rscarafia@joneswalker.com

mdelturco@joneswalker.com

-and-

ERIC MORVANT (#39996)
Jones Walker LLP
445 North Blvd, Suite 800
Baton Rouge, Louisiana 70802
Telephone: 225/248-2000
Facsimile: 225/248-3154
emorvant@joneswalker.com

*Counsel for Kerr-McGee Oil Gas Onshore
LP and Anadarko US Offshore LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of April, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send notice of electronic filing to all counsel registered for electronic service. I further certify that I have served a copy of the foregoing pleading on all parties to this proceeding not registered for electronic service, by e-mailing, faxing, and/or mailing the same by United States mail, properly addressed and first-class postage prepaid.

/s/ Meghan E. Smith